

Versus

Mr. A.P. Mundargi with Mr. R. R. Bhushan with
Mr. Bhushan Mahadik, Advocate for Applicant.
Mr.M.S.Mohite, Advocate for Respondent No.1.
Mr. Y.S. Shinde, A.P.P. for State.

P. C. :-

1. Heard the learned advocate for the applicant, the learned advocate for the respondent No.1 i.e. the original complainant and the learned A.P.P. for the State.
2. The applicant has prayed for quashing of process issued against him in Complaint bearing No. R.C.C. 164 of 2004 which is pending in the Court of learned J.M.F.C. 9th Court, Pune. In the said case, process has been issued against the applicant under Sections 120(B), 406, 420, 409 and 109 of I.P.C.
3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant

has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the applicant was recently operated and a portion of the lung of the applicant came to be cut. In view of this he prayed that eight weeks time may be granted to the applicant to prefer the necessary revision before the concerned Sessions Court. Looking to the above facts, he is granted eight weeks time to prefer the necessary revision. Ad interim relief granted earlier by this Court is continued upto eight weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.
